

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2004-122-C - ORDER NO. 2004-320
JULY 9, 2004

IN RE: Application of Winstar Communications, LLC for Authority to Discontinue Certain Services in South Carolina.) ORDER APPROVING) DISCONTINUATION OF) CERTAIN SERVICES
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This matter comes before the Public Service Commission of South Carolina (the “Commission”) by way of an Application by Winstar Communications, LLC (“Winstar” or the “Company”) requesting authority to discontinue certain services in South Carolina. Specifically, Winstar requests that the Commission allow it to discontinue the provision of non-federal governmental customers in the Charleston metropolitan area, as well as Berkley, Charleston, Greenville, Horry, Saluda, Spartanburg, and York Counties on June 15, 2004, or as soon thereafter as ordered by this Commission. The services which it seeks to discontinue include interexchange service to commercial customers, interstate and international long distance, toll free, and internet services to commercial customers in South Carolina. This discontinuance of service will affect approximately 12 interexchange service customers in South Carolina.

Winstar was granted authority to provide local and interexchange telecommunications throughout South Carolina pursuant to the Commission’s Order No. 2002-236 in Docket No. 2002-11-C on March 29, 2002. Winstar does not seek to surrender its certificate at this time and asks that it be permitted to continue to offer

service to its federal government customers, its fixed wireless services and offerings supporting mobile carrier infrastructure and other backhaul systems, and its spectrum lease offerings in South Carolina. Current customers of Winstar, for which it seeks to discontinue service in this action in South Carolina, have been advised that Z-Tel Communications, Inc. will work with them to convert Winstar service to a comparable Z-Tel service.

The Commission's Executive Director instructed the Company to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the affected areas. The purpose of the Notice of Filing was to inform interested parties of the Company's Application and of the manner and time in which to file the appropriate pleadings for participation in the proceeding. The Company complied with this instruction and provided the Commission with proof of publication of the Notice of Filing. Winstar additionally mailed notice of this Application to all of its South Carolina customers on April 7, 2004. No Petitions to Intervene or Protests were filed in this matter.

FINDINGS OF FACT

1. Winstar has been granted authority by this Commission to provide local and interexchange telecommunications throughout South Carolina pursuant to the Commission's Order No. 2002-236 in Docket No. 2002-11-C on March 29, 2002.

2. Winstar has applied to this Commission to discontinue the provision of certain interexchange services in the Charleston metropolitan area, Berkley, Charleston, Greenville, Horry, Saluda, Spartanburg, and York counties. The services which it seeks to discontinue include interexchange service, interstate and international long distance,

toll free, and Internet services to its commercial customers. This discontinuance will affect approximately 12 customers of Winstar in South Carolina.

3. Winstar has provided the Commission with proof of such filing and of notification to the affected customers and has sought to provide its affected customers with an alternate telecommunications provider to ensure continuity of service.

4. Proper notification of the Application for the Commission's approval of the Application was published by Winstar and no interested parties filed to protest or to intervene in this matter.

CONCLUSIONS OF LAW

1. Winstar's Application to discontinue certain services in South Carolina is granted on the basis of the aforestated facts and under the authority of 26 S.C. Code Regs.103-820.

2. Based on the above Findings of Fact, the Commission concludes that Winstar is authorized to discontinue certain services as requested by the Company in its Application.

3. The Company shall otherwise continue to operate in compliance with the Order of this Commission in Order No. 2003-236 in Docket No. 2002-11-C and is directed to comply with all Rules and Regulations of the Commission, unless a regulation was specifically waived by the Commission in the aforementioned Order or is specifically requested by application.

IT IS THEREFORE ORDERED THAT:

1. Winstar is hereby authorized to discontinue the provision of certain services provided to non-federal governmental customers in the Charleston metropolitan area, as well as in Berkley, Charleston, Greenville, Horry, Saluda, Spartanburg, and York counties.

2. Winstar is further authorized to discontinue the provision of interexchange services including interstate and international long distance, toll free and Internet services to commercial customers in South Carolina.

3. Winstar's federal government customers, fixed wireless services and offerings supporting mobile carrier infrastructures and other backhaul systems, and spectrum lease offerings in South Carolina are unaffected by this Order.

4. Winstar shall continue its efforts to provide for the continuity of service to its customers affected by this Order.

5. Winstar shall continue to comply with the those requirements provided in Commission Order No. 2002-236 in Docket No. 2002-11-C unaffected by this Order.

6. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/
Randy Mitchell, Chairman

ATTEST:

/s/
Bruce F. Duke, Executive Director

(SEAL)